



SUPREME COURT OF APPEALS OF WEST VIRGINIA

Purchasing Card Policy and Procedure Finance Division

1. Scope and Purpose.

1.1 Overview. The Supreme Court of Appeals of West Virginia (“the Court”) establishes this policy to set guidelines for the proper use of the WV Purchasing Card (“P-card”) by authorized personnel of the Court. The purpose of the P-card program is to provide an efficient, cost-effective method of payment for goods and services for regular and routine purchases. The Finance Division is responsible for management of the P-card program in all respects, as outlined in this policy, however, the individual authorized P-card holder is responsible to follow all of the standards contained in this policy at all times. While this policy sets a distinct set of standards for employees of the Court, it incorporates and defers to the West Virginia State Auditor’s (“State Auditor”) Office Purchasing Card Program found at <https://www.wvsao.gov/purchasingcard/>.

This Policy applies to all employees of the Supreme Court of Appeals, including all Judicial Officers and Employees of the Supreme Court, Circuit Courts, Probation Officers, Family Courts, Magistrate Courts, the Administrative Office, Board of Law Examiners, Office of Disciplinary Counsel, the Supreme Court of Appeals’ Clerk’s Office, Circuit Clerks and their employees, and the Judicial Investigation Commission.

Breaches of this policy and of all State and other standards referenced in this policy may result in disciplinary or other corrective action. Authorized P-card holders are to address any questions regarding this policy to the Chief Financial Officer (“CFO”).

1.2 Authorized Purchases. Only authorized purchases are permitted to be made with the P-card.

(a) **Authorized Purchase Requirements.** In order for a P-card purchase to be considered an Authorized Purchase it must meet all of these requirements:

- Items and services must be to perform an official work function;
- Quantities purchased are necessary to perform the required work;
- Items or services are within the Cardholder’s range of authority as assigned by their supervisor;
- All purchasing policies and procedures must be followed; and
- Only best value purchases are made.

(b) **Prohibited Purchase.** The purchase of goods or services for personal use is prohibited.

2. Definitions.

(a) *Cardholder:* An individual authorized to transact business by the use of the Purchasing Card. The individual is responsible for and named on the P-card.

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(b) *Purchasing Card (P-card) Coordinator*: The individual designated by the Court to administer the P-card Program.

(c) *Purchasing Card (P-card)*: A credit card issued in the name of an individual employee of the State of West Virginia for official State use only.

(d) *Stringing*: The intentional manipulation of the ordering, billing, or payment process in order to circumvent the transaction limit. Stringing includes splitting a purchase exceeding the transaction limit into more than one transaction and/or colluding with a vendor to split an order into separate invoices.

(e) *Transaction*: One swipe of the P-card or one charge against it for an authorized purchase.

3. P-Card Application, Approval, and Issuance. The CFO and/or designees as outlined in this policy are responsible for the P-card application process. Following approval of appropriate management personnel in conjunction with the CFO, the Finance Division issues P-cards in the name of the authorized employee and the State of West Virginia. The State is responsible for payment of all authorized State P-card purchases.

(a) The issuance of State P-cards is limited to permanent, active, full-time employees who regularly make authorized purchases. P-cards cannot be issued to temporary or part-time employees, or to contract employees.

(b) Requests for the issuance of a P-card should be submitted via e-mail to the P-card Coordinator. The P-card Coordinator will review the requests with the CFO and/or designee.

(c) Potential Cardholders must complete the required web-based training for cardholders from the State Auditor's website and notify the P-card Coordinator of their completion before the application and agreement can be processed.

(d) The CFO, with the input of the P-card Coordinator and any designee, will make a determination as to the approved credit and transaction limits for each P-card issued.

(e) The P-card Coordinator will prepare the P-card application and submit the application to the State Auditor's Office, P-card Division.

(f) Cardholders are required to sign the back of their P-card upon receipt.

4. P-Card Maintenance.

(a) Any changes to a Cardholder's account should be communicated to the P-card Coordinator. These include name or address changes, credit and Transaction limit changes, and/or card cancellation.

(b) A Cardholder must immediately report a lost or stolen P-card to the financial institution and the P-card Coordinator within 24 hours to limit Cardholder liability.

5. P-Card Transaction and Documentation Standards and Procedures.

(a) **Adherence to Policy and Procedure.** Each Cardholder is responsible for adhering to all the policies and procedures established by the State Auditor's Office, P-card Division, and the Court's policies and procedures, including purchasing policy/procedure and this P-card policy.

(b) **Tax Exempt.** The State of West Virginia is tax-exempt and should not pay tax to in-state vendors. Cardholders should remind vendors that the State is tax-exempt before initiating a Transaction. The Cardholder may be required to provide the vendor a copy of the Court's tax-exempt certificate, which can be obtained from the P-card Coordinator.

(c) **Identify Purchase Need and Secure Prior Approval.**

- Routine office supply purchases should be made utilizing the State-purchasing contract with Office Max/Office Depot. Routine office supplies (copy paper, pens, file folders, cleaning supplies, etc.) do not require advanced approval.
- Advance approval is required for non-routine purchases such as microwaves, office furniture, filing cabinets, computer supplies/equipment.
- A Purchase Request Form with all the required authorizations is required when a P-card purchase is made for non-routine purchases. See "Procurement Policies and Procedures" for additional guidance.
- The Cardholder checks vendors in advance of the purchase for product and/or service availability, pricing, delivery costs, and delivery arrangements.
- Any questions concerning vendors or State-purchasing contracts should be directed to a Procurement Specialist in the Court's Administrative Office, Finance Division.

(d) **Place Order with Vendor.**

- The cardholder can place an order with the vendor by phone, fax, mail, secured-internet site, or in-store purchase.
- Cardholder account numbers are not to be transmitted via unsecured-internet sites.
- Payments may be made through third-party payment processors, such as PayPal or Amazon, *only* upon prior approval by the P-card Coordinator.

- Cardholders are not to fax or scan account numbers or copies of their P-card.
- Shipping and handling charges must be included in the stated price.
- A total Transaction charge cannot exceed the Cardholder's assigned Transaction limit.
- When placing an order, the Cardholder must instruct the vendor to provide an itemized receipt or invoice, and that the vendor may not charge the account until the merchandise has been shipped.

(e) **Stringing.** Each Cardholder must be vigilant and avoid stringing. Stringing is prohibited.

(f) **No Delegation.** Cardholders cannot delegate use of their P-card. P-card delegation is the practice of allowing an individual other than the Cardholder, whose name appears on the front of the P-card, to have access to the P-card or P-card number to initiate or complete a Transaction.

(g) **Responsibility to Settle Disputed Charges.** Each Cardholder is responsible for attempting to settle any disputed charges on their P-card, which will be handled in accordance with the State Auditor's Office policies for dispute resolution. <https://www.wvsao.gov/PurchasingCard/Default#Forms>.

(h) **Purchase of Fixed Assets.** When fixed asset items are purchased using the P-card, the Fixed Asset Coordinator in the Court's Administrative Office, Finance Division, should be notified and provided a copy of the invoice and/or receipt for inventory management purposes.

(i) **Returned Goods.** Any returned goods should be credited to the P-card. Debit cards, gift cards or cash are not an acceptable method of receiving refunds for returned goods.

(j) **No Cash.** The P-card may not be used to obtain cash, cash credits, or cash advances.

(k) **Gift Card Purchases.** The P-card may be used for the purchase of gift cards, where authorized by applicable law, rules and regulations or other governing instrument, *only* upon prior approval of the Transaction by the P-card Coordinator. Gift card purchases are not to be made until AFTER prior approval has been received. The name (and signature, if possible) of the recipient must be documented.

6. **Disputed Transactions.**

(a) Disputed items may result from failure to receive goods or services, unauthorized Transactions, defective merchandise, returned merchandise, incorrect amounts being charged, duplicate charges, credits not yet received, canceled Transactions or items not as described and attempted to be returned to the merchant/vendor.

(b) The Cardholder should contact the merchant/vendor and attempt to resolve any disputed Transaction. If the merchant/vendor is unwilling to credit the charge, the Cardholder must provide documentation to the P-card Coordinator that the merchant/vendor was contacted and unwilling to credit the charge.

(c) The P-card Coordinator will complete the required forms for the State Auditor's Office, P-card Division. The P-card Coordinator will maintain the disputed item's supporting documentation pending resolution of the dispute.

(d) Sales tax or shipping and handling charges **CANNOT** be disputed. It is the Cardholder's responsibility to ensure charge accuracy. Sales tax or shipping and handling charges should be addressed immediately with the vendor by the Cardholder.

(e) Transactions that appear fraudulent must immediately be reported to the P-card Coordinator and the financial institution. To report a fraudulent Transaction to the financial institution, the Cardholder must call the number on the back of the P-card and follow the steps required by the financial institution in order to receive credit for the unauthorized Transaction(s).

7. **P-Card Reconciliation Process.**

(a) **Cardholder Responsibilities.** Each Cardholder must meet all of the following standards on an ongoing basis.

- Reconcile the P-card statement at the end of each billing cycle by completing a P-card log sheet, attaching all original paperwork, and forwarding the documentation to the P-card Coordinator. Documentation supporting a P-card purchase or expenditure may include requisitions, purchase orders, itemized receipts, vendor invoices, packing slips, receiving reports, log sheets, individual statements or any other evidential matter required by applicable laws, rules and regulations.

- Failure to submit the required documentation by the due date will result in suspension of the P-card. Repeated late submissions may result in the revocation of P-card privileges.

(b) **P-Card Coordinator Responsibilities.** The P-card Coordinator must meet all of the following responsibilities on an ongoing basis.

- Verify that all receipts were signed, certified and dated by the Cardholder and that all required supporting documentation is attached to the Transaction;

- Check, review, and pay the Transactions in the wvOASIS accounting system; and,

- Document any discrepancies found and advise the Cardholder of any corrective actions taken.

8. Training.

(a) Cardholders.

- Cardholders must complete the required designated training that is approved by the State Auditor's Office every two years.
- Cardholders must successfully complete the training to retain their P-card.

(b) P-Card Coordinators and Designated Sub-Coordinators.

- The P-card Coordinator and any designated sub-coordinators must annually attend the required designated training and/or education that is provided by the State Auditor's Office and/or as designated by the CFO.
- P-card Coordinators and any designated sub-coordinators must successfully complete all applicable training to receive coordinator certification.

9. Purchasing Card Usage Review.

- (a) **Internal Review.** The CFO will review, on a quarterly basis, the compliance of the P-card program.
- (b) **External Review.** A review of the P-card activity may be conducted at any time by independent auditing bodies.
- (c) **Non-Compliance.** Any Cardholder that fails to comply with the required policies and procedures may lose their privilege to have a P-card and/or be subject to other corrective disciplinary action.

10. Unlawful Use of a P-Card.

- (a) **Violation of West Virginia Code.** Any person who uses a P-card in a manner which violates this West Virginia Code of State Rules §§ 155-7-1.1-.7 or the West Virginia Code is guilty of a felony, pursuant to West Virginia Code § 12-3-10b.
- (b) **Reporting Responsibilities.** Any member of the Judiciary or Court employee finding or suspecting an instance of unlawful use, possible fraud, misappropriation, or mismanagement involving a P-card, shall immediately report the situation to the CFO. The CFO shall report all aforementioned instances to the Deputy State Auditor/Executive Director of the State Auditor's Office P-card Division within 24 hours of discovery.

(c) **Purchases of goods or services for personal use is prohibited.** Individuals using the P-card who knowingly pay for items intended for personal use will be subject to disciplinary action up to and including termination, prosecution under State law, and personal civil liability to the credit card company as the circumstances may warrant.

The details of this policy and all Court policies are subject to modification by the Court at any time as situations, standards, and legal requirements may change. The Court will ensure that all employees are notified of any such modification in a timely fashion.